

Incident#
9912

SCI Sussex Correctional Institution
PO Box 500
GEORGETOWN DE, 19947
Phone#: 302-856-5280
INCIDENT REPORT

Date: 04/18/2006

Group#: N/A Type: Inmate Involved Incident Date: 03/29/2005 Time: 11:14 Confidential: No

Facility: SCI Sussex Correctional Institution

Followup Required: Yes

Associated Disciplinary Report #(s) 4683

Incident Location: MERIT

Location Description: east side day room

Violated Conditions: 1.06/200.203 Disorderly or Threatening Behavior

Description of Incident:

On March 29, 2005 I Sgt. A. Mears was working on the east side of the Merit Building. At approximately 1113 four inmates went toward the door and one yelled kitchen workers out. I had previously checked the book and only three had signed out. I had the passes for the three written and on the staff desk. I told the group to stop and told them to come back and let me know who was going out. At this time I/m Pedro Cintra said "you have a list". I said that I do not know where the list is and that I did not know who the kitchen workers were. I said come here so I can write your passes because I only have three written. I/m Cintra said "you don't write passes for kitchen workers". I told him I did not know who the workers were and that no one would leave until I had signed out all four. I/m Cintra said "you have a fucking list" I again told him I do not go by the list I want to know who is going. I/m Cintra said "you have the fucking list you don't need anything else". I then told I/m Cintra and the other kitchen workers to go have a seat and I would take care of them after I had signed out every one else. I/m Cintra said "fuck you, we don't need to sit down". I told I/m Cintra to give me his id. I/m Cintra said "for what". I told him again to give me his id. I/m Cintra said "you don't need my id". I told I/m Cintra again to give me his id. I/m Cintra said "no". I undid the strap on my capstun and I/m Cintra said what are you going to do "hit me". I said no. I then told I/m Cintra to turn around and put his hands behind his back to be handcuffed. I/m Cintra said "no" and began yelling "I'm not going nowhere". I then ordered I/m Cintra again to put his hands behind his back. I/m Cintra refused by yelling "I'm not going nowhere". I then capstunned inmate Cintra. After the initial burst of capstun I/m Cintra swung his fist at me. He missed and I sprayed him again with another burst. At some point Cpl. Stolzenbach came on the tier and called a code 11. After I sprayed I/m Cintra, Cpl Stolzenbach tried to handcuff him. I assisted with the handcuffing. The code was cleared by Sgt. Carmean after back up responded from various buildings. end of report.

Injured Persons	Hospitalized	Nature Of Injuries
N/A	N/A	N/A

Evidence Type: N/A

Date Collected: N/A

Discovered By: N/A

Secured By: N/A

Type of Force Used ☐ PHYSICAL ☐ CHEMICAL ☐ STUN ☐ OTHER ☒ CAPSTUN ☐ NONE

Restraints Used : handcuffs

Immediate Action Taken:

I/m capstunned, code 11 called, I/m handcuffed, code cleared, watch commander notified, and reports written.

Individuals Involved			
Person Code	Name	SBI#	Title
Staff	John, Stolzenbach A	N/A	CO Corporal/Sgt. - Large Inst.
Staff	Arthur, Mears L Jr	N/A	CO Corporal/Sgt. - Large Inst.
Inmate	Pedro, Cintra E	00351539	N/A

Reporting Officer: Mears, Arthur L Jr (Co Corporal/Sgt. - Large Inst.)

Entered By: Mears, Arthur L Jr (Co Corporal/Sgt. - Large Inst.)

Approval Information

☒ Approved ☐ Disapproved Date: 03/29/2005 Approved by: Truitt, George C (Shift Commander - Large Inst.)

Comments: pre-hearing to Lt. Hollis, use of force

DR#
4683

SCI Sussex Correctional Institution

Date: 04/18/2006

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Phone No. 302-856-5280

DISCIPLINARY HEARING DECISION

Inmate	Cintra, Pedro E	SBI#	00351539	Type	Class 1
Institution	SCI Sussex Correctional Institution	Hearing Date	04/01/2006	Time	

Inmate Present: Yes Reason(If No): N/A

Violation: 1.06/200.203 Disorderly or Threatening Behavior

Inmate PLEA: Not Guilty

Inmate Statement: He didn't give me a reason for taking my ID

Witness Name: Stolzenbach, John Cpl.

Testimony : N/A

Decision : Guilty

Rational : Based on the officers report and his attitude during the hearing.

Sanctions: N/A

HEARING OFFICER'S SIGNATURE

Hennessy, Melvin C

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

I ☒ DO ☐ DO NOT INTEND TO APPEAL

INMATE's SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

- | | |
|--|--|
| <input checked="" type="checkbox"/> Inmate does not wish to appeal | <input type="checkbox"/> Appeal has been denied by Commissioner or Designate |
| <input type="checkbox"/> Sanctions have been modified | <input type="checkbox"/> Time Limit(72 Hours since hearing) for appeal has expired |

It is here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Isolated Confinement	04/06/2005	10	04/16/2005